

PATENT ABSTRACTS OF JAPAN

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(71)Applicant : KOSE CORP

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(54) WATER-IN-OIL TYPE EMULSION COSMETIC

(57)Abstract:

PROBLEM TO BE SOLVED: To obtain a water-in-oil type emulsion cosmetic having smooth spreadability, giving a soft skin touch, a non-tacky simple use touch and a non-powdery finish touch, and having excellent stability with the passage of time, and to obtain a solid water-in-oil type emulsion cosmetic further excellent portability and excellent filling moldability.

SOLUTION: This water-in-oil type emulsion cosmetic comprises a silicone oil, a polyoxyalkylene-modified organopolysiloxane and/or a long chain alkyl group-containing polyoxyalkylene-modified organopolysiloxane, and a hollow foamed resin powder having an average particle diameter of 1-80 μm and an apparent specific gravity of ≤ 0.5 . A water-in-oil type emulsion cosmetic further contains a solid oil. Especially, a water-in-oil type emulsion cosmetic has a solid shape.

LEGAL STATUS

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* NOTICES *

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1. This document has been translated by computer. So the translation may not reflect the original precisely.
2. **** shows the word which can not be translated.
3. In the drawings, any words are not translated.

DETAILED DESCRIPTION

[Detailed Description of the Invention]

[0001]

[Industrial Application] The feeling of use which per skin was not sticky with soft and smooth elongation breadth, and felt refreshed, and the feeling of a result without powderiness are obtained, and this invention relates to the charge of water-in-oil type emulsification makeup which moreover passed and was excellent in the Tokiyasu quality. Furthermore, in addition to the above-mentioned property, it is related with the solid charge of water-in-oil type emulsification makeup excellent also in portability and a restoration moldability.

[0002]

[Description of the Prior Art] Conventionally, at the charge of water-in-oil type emulsification makeup, in order to give admiration, a feeling of emollient, etc. gently, ester oil and the oils of a hydrocarbon system are blended. Moreover, in order [which was described at the time of use] to attach and to reduce admiration, silicon oil and volatile oil were blended. Furthermore, in order [which was described at the time of use by oils] to attach and to reduce admiration, impalpable powder, such as talc and a haze-like silica, being blended and blending a solid oil and spherical fine particles with JP,3-261707,A to the charge of solid-like water-in-oil type emulsification makeup is indicated.

[0003]

[Problem(s) to be Solved by the Invention] However, gently, although admiration and a feeling of emollient were obtained, they sense stickiness at the time of use, and, as for the charge of water-in-oil type emulsification makeup which blended ester oil and the oils of a hydrocarbon system, did not have that oils became an ununiformity still with time etc. what can satisfy stability with the passage of time. Moreover, the lightness of elongation, a lack [stickiness], its clean feeling of use, etc. were difficult to have [that a feeling with **** peculiar to silicon oil remains, and] admiration, a feeling of emollient, etc. gently, even if the charge of water-in-oil type emulsification makeup which blended silicon oil and volatile oil was obtained.

提出物意見書

拒絶理由通知書

期限: 2月27日

特許出願の番号

特願 2004-151972

起案日

平成17年11月22日

特許庁審査官

天野 貴子

9444 4C00

特許出願人代理人

松井 光夫 様

適用条文

第29条第2項、第36条

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から3か月以内に意見書を提出して下さい。

理 由

1. この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記の記事に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

2. この出願は、特許請求の範囲の記載が下記の点で、特許法第36条第6項第1号に規定する要件を満たしていない。

記 (引用文献等については引用文献等一覧参照)

A. 理由1

a. 請求項1-2、13-15、22-49

・文献1

・備考

文献1の実施例1等参照。

文献1には、シクロテトラシロキサンを含まないことは記載されていないが、化粧品組成物に用いる成分として人体に無害なものを選択し配合することは、当該技術分野において当業者が当然に行う事項に過ぎない。(なお、特表2005-509041号公報の【0002】にはその有害性により化粧品配合物のオクタメチルシクロテトラシロキサンを他の成分で置き換える努力がなされていることが記載されている。)

また、周知成分の追加配合、配合割合の最適化等は必要に応じて当業者が適宜なし得る事項に過ぎない。

b. 請求項3-5

- ・文献1-4
- ・備考

文献1には、ポリメチルメタクリレートの密度の記載はない。

しかしながら、文献2【0018】には、日焼け止め組成物に用いるポリメチルメタクリレートとして市販のCovabeaf PMMAを用いることが記載されている。また、例えば文献3の【0003】-【0004】に記載されているように、ポリメチルメタクリレートが化粧料にすぐれた伸びを付与することは知られているところ、例えば文献4の【0026】は、中空発泡樹脂を油中水型乳化化粧料に用いた際に滑らかな伸び広がり及びべたつかずさっぱりとした使用感等の効果を得られることが記載されている。

してみれば、前記効果を期待して文献1記載のポリメチルメタクリレートとして中空発泡状のものあるいは市販のCovabeaf PMMAを用いてみることは、当業者にとって容易である。

c. 請求項6-12

- ・文献1-4
- ・備考

文献3の【0032】には、中空発泡樹脂を含有する油中水型乳化化粧料にさらに粉体を配合してもよいことが記載されているから、油中水型乳化化粧料に異なる密度の固体粒子を配合することは、当業者にとって容易である。

加えて、本願各請求項に係る発明が、文献1-3及び周知技術から予測できない格別顕著な効果を奏するものであるとも認められない。

d. 請求項16-21

- ・文献1-4
- ・備考

文献4（実施例8等参照）に記載されているように、油中水型乳化化粧料において、液状脂肪相（シリコン油）とともに、POA変性オルガノポリシロキサン（シリコンKF-6015）及び長鎖アルキル基含有POA変性オルガムポリシロキサン（ABIL EM-90）を用いることは知られている。

B. 理由2

a. 請求項3-5

請求項3-5は、ポリメチルメタクリレートの密度の範囲を特定しているが、発明の詳細な説明には【0018】に0.5より大きい密度を有する粉末及び0.5以下の密度を有する粉末を用いることについて有利な点が説明がされているのみで、請求項3-5記載の範囲の密度を有するポリメチルメタクリレートを用

いることについて、発明の詳細な説明にはなんら具体的な説明がない。

また、実施例1は【0016】の記載からみて0.5と0.7の密度のポリメチルメタクリレートを用いたものであると認められるが、実施例1が有する有利な効果は客観的な裏付けをもって示されておらず、且つ、当該一の組成物の結果を請求項3-5に係る発明にまで拡張ないし一般化できるものとも認められない。

b. 請求項6-12

請求項6-12は、密度の異なるポリメチルメタクリレートを用いること、その密度の違い、配合割合を特定しているが、発明の詳細な説明にはこれらの特定についてなんら具体的な説明がない。

また、実施例1が有する有利な効果は客観的な裏付けをもって示されておらず、且つ、当該一の組成物の結果を請求項6-12に係る発明にまで拡張ないし一般化できるものとも認められない。

この拒絶理由通知書中で指摘した請求項以外の請求項に係る発明については、現時点では、拒絶の理由を発見しない。拒絶の理由が新たに発見された場合には拒絶の理由が通知される。

引用文献等一覧

1. 国際公開第99/30681号パンフレット
(特表2002-508309号公報)
2. 特開平07-304644号公報
3. 特開2002-265620号公報
4. 特開2000-072645号公報

先行技術文献調査結果の記録

・調査した分野 IPC第7版 A61K7/00-7/50

この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。

この拒絶理由通知の内容に関するお問い合わせは下記までご連絡下さい。

特許審査第3部 医療 審査官 天野貴子

TEL. 03 (3581) 1101 内線3451

Notice of Reasons for Rejection

Patent Application No. 2004-151972

Forwarding Date: November 25, 2005

The present application is considered to be rejected for the reason(s) marked below. If the applicant has an objection against this, the applicant is invited to submit a written answer in three months from the forwarding date of this Notice.

☐ This action is FINAL.

Reasons

☐ 1. Novelty: The invention(s) set forth in claim(s) _____ of this application is(are) described in the following publication(s) _____ distributed before the filing of this application and, therefore, is unpatentable under the provision of the Patent Law, Article 29, Paragraph 1, Item 3.

☒ 2. Obviousness: The invention(s) set forth in claim(s) _____ of this application can easily be invented by a person having ordinary skill in the art to which the invention(s) pertain(s), on the basis of an invention or inventions described in the following publication(s) _____ distributed before the filing of this application and, therefore, is(are) unpatentable under the provision of the Patent Law, Article 29, Paragraph 2.

☐ 3. Whole Contents Approach: The invention(s) set forth in claim(s) _____ of this application is described in the following specification _____ which was filed before the filing of this application and was laid open after the filing of this application, and neither the present inventor nor the present applicant is same as those of the following specification, and therefore the invention is unpatentable under the provision of the Patent Law, Article 29 bis.

☒ 4. Incomplete Description: The description of the specification and the drawings of this application is incomplete in the following point(s) and, therefore, this application fails to meet the requirements stipulated in the Patent Law, Article 36, Paragraphs 4 and 6.

☐ 5. Unity of Invention: This application fails to meet the requirements stipulated in the Patent Law, Article 37, ☐ Body and ☐ Proviso.

☐ 6. Introduction of New Matters: The amendment made in response to the office action does not fall under the description of the original specification and the drawing(s) and, therefore, fails to meet the requirements stipulated in the Patent Law, Article 17 bis, Paragraph 3.

Note

Notes

References cited:

1. WO99/30681
2. JP Application Laid-Open H07-304644
3. JP Application Laid-Open 2002-265620
4. JP Application Laid-Open 2000-072645

A. Reason 1

a. Claims 1-2, 13-15, and 22-49

See Reference 1, Example 1, etc.

Although Reference 1 does not refer to a cosmetic composition free of cyclotetrasiloxane, a person of ordinary skill in the art to which the invention pertains would easily conceive it to select an innocuous ingredient in formulating a cosmetic composition. (For instance, JP Application Laid-Open 2005-509041, paragraph 0002, describes that an effort was made to replace octamethylcyclotetrasiloxane, due to its harmfulness, in a cosmetic formulation with other ingredient).

A skilled person would also easily try incorporating a well-known additional ingredient and optimizing its amount as required.

b. Claims 3-5

References 1-4

A density of polymethylmethacrylate is not described in Reference 1. However, Reference 2, paragraph 0018, discloses that Covabeaf PMMA, which is commercially available, is used as polymethylmethacrylate in a sun screen composition. Also as described in Reference 3, paragraphs 0003-0004, it is known that polymethylmethacrylate imparts good spreadability to cosmetics. Meanwhile, Reference 4, [0026], describes that good sensory effects, such as smooth spreadability, non-sticky touch and refreshing feel, are obtained when a foamed hollow resin is incorporated in a water-in-oil type of an emulsion cosmetic.

Then, a skilled person would easily conceive it to use a foamed hollow resin or the commercially available Covabeaf PMMA as the polymethylmethacrylate described in Reference 1 in expectation of the above-described effects.

c. Claims 6-12

References 1-4

It is further described in Reference 3, paragraph 0032, that powder may be added to a water-in-oil type of an emulsion cosmetic comprising a foamed hollow resin. Therefore, a skilled person would easily do it to add solid particles having different densities to water-in-oil type of an emulsion cosmetic.

In addition, none of the inventions of these claims are recognized to attain any special effect unexpectable from References 1-3 and well-known arts.

d. Claims 16-21

References 1-4

As described in Reference 4 (see Examples 8, etc.), it is known that POA-modified organopolysiloxane such as silicone KF-6015 and POA-modified organopolysiloxane having a long alkyl chain group such as ABIL EM-90 may be incorporated in water-in-oil type of an emulsion cosmetic together with a liquid fatty phase such as a silicone oil.

B. Reason 2

a. Claims 3-5

Claims 3-5 specify the ranges of the density of polymethylmethacrylate. However the Detailed Description of the limitation states, in paragraph 0018, just the advantages of using powder having a density greater than 0.5 and powder having a density of 0.5 or less, but gives no specific explanation for the use of polymethylmethacrylate particles having a density in the range described in Claims 3-5.

Although it is recognized, judging from the description of paragraph 0016, that polymethylmethacrylate particles having densities of 0.5 and 0.7 are used in Example 1, the effects of Example 1 are not supported by objective facts. Further the results from the one and only composition of Example 1 cannot be expanded or generalized to Claims 3-5.

b. Claims 6-12

Although Claims 6-12 require the use of polymethylmethacrylate having different densities and specify the difference and the proportion thereof, no concrete explanation is given on these in Detailed Description of the Invention.

The effects of Example 1 are not supported by objective facts. Further the results from the one and only composition of Example 1 cannot be expanded or generalized to Claims 6-12.

Our Comments:

Reference 1 is written in English.

Reference 2 claims the priority based on US 239660, May 9, 1994, Unilever N.V.

References 3 and 4 have no patent family. At the moment, we translate the parts which are indicated by the examiner. Usually, parts which are not indicated by the examiner might give us good ground to prepare arguments. If you want, we will look for such parts and translate them.

JP Application Laid-Open 2000-509041 which the examiner just touches upon corresponds to WO 2003/042221, which was internationally published on May 22, 2003, which date is just the same as the present priority date. This and Reference 1 are written in English, so that you may not need any further comments from us.

As a general question from us, we wonder if you want to have analysis from us on References in advance of your reviewing the office action; your answer might be different, depending upon whether the References are written in Japanese or any foreign languages.

(Excerpts Translation)

Reference 3

JP Application Laid-open: 2002-265620

Laid-open Date: September 18, 2002

Application No.: 2001-66923

Application Date: March 9, 2001

Applicant: Sekisui Chemicals

Claim 1

Wetted resin particles of poly(meth)acrylate, characterized in that the particles comprises 100 parts by weight of cross-linked poly(meth)acrylate having a compression strength of from 0.01 to 0.6 kgf/mm² at 10 % of deformation, and 5 to 100 parts by weight of an aqueous solution of an organic solvent.

Detailed Description of the Invention:

[0003]

These cosmetics are formulated with powder for cosmetic use, for instance, resin particles such as nylon particles, methyl polymethacrylate particles, cross-linked polystyrene particles, silicone particles, urethane particles, and polyethylene particles; and inorganic particles such as silica particles in order to improve spreadability or touch on the skin and to provide the cosmetics with functions such as a wrinkle-masking effect.

[0004]

Methyl polymethacrylate particles, cross-linked polystyrene particles, and silica particles were satisfactory in that they could provide cosmetics with good spreadability, but unsatisfactory in that they could not provide cosmetics with soft feel or smooth touch. Meanwhile, nylon particles and silicone particles could provide cosmetics with smooth feel, but were unsatisfactory with smooth touch. Urethane particles could provide soft feel, but the preparation process thereof was special and costly, which makes the process unsuitable for industrial use.

[0032]

(Translator's comment: the examiner erroneously cites paragraph 0032 of Reference 3,

where organic solvents are described. The examiner seems to intend paragraph 0032 of Reference 4 which mentions powder. Please see our translation of Reference 4.)

Reference 4

JP Application Laid-open: 2000-72645

Laid-open Date: March 7, 2000

Application No.: Hei 10-241554

Application Date: August 27, 1998

Applicant: Kose

Claim 1

A water-in-oil type of an emulsion cosmetic, characterized in that said cosmetic comprises;

- (a) silicone oil,
- (b) organopolysiloxane modified with polyoxyalkylene and/or organopolysiloxane modified with polyoxyalkylene containing a long chain alkyl group, and
- (c) foamed hollow resin powder having a mean particle diameter of from 1 to 80 micrometers and an apparent specific gravity of 0.5 or less.

Detailed Description of the Invention:

[0026]

The foamed hollow resin (c) in the water-in-oil type of an emulsion cosmetic of the present invention has a mean particle diameter of from 1 to 80 micrometers and an apparent specific gravity of 0.5 or less, and is incorporated in the cosmetic of the present invention preferably in an amount of from 0.1 to 10 % relative to the total weight of the cosmetic, depending on the quantity and quality of an oil agent. When the resin is incorporated in this range, the effects of the present invention, such as soft and smooth spread, and non-sticky and non-tacky touch, are better exhibited.

[0032]

As powder other than component (c), any powder that may be used commonly in cosmetics may be used. The powder is not limited to one of any particular particle shape such as spherical, plate-like, and acicular; any particular particle size such as fumed, fine, and pigment-grade; and any specific particle structure such as porous or non-porous. Examples of the powder include inorganic powder, glittering powder, organic powder, pigment powder, and composite powder. Specific examples include inorganic powder such as titanium oxide, black titanium oxide, Prussian blue, ultramarine, red iron oxide, iron oxide yellow, iron oxide black, zinc oxide, aluminum

oxide, silicon oxide, magnesium oxide, zirconium oxide, magnesium carbonate, calcium carbonate, chromium oxide, chromium hydroxide, carbon black, aluminum silicate, magnesium silicate, aluminum magnesium silicate, mica, synthetic mica, synthetic selicite, selicite, talc, kaolin, silicon carbide, barium sulfate, bentonite, smectite, and boron nitride; glittering powder such as bismuth oxychloride, mica titanium, mica coated with iron oxide, iron oxide mica titanium (mica titanium coated with iron oxide, translator's comment), mica titanium treated with organic pigments, and aluminum powder; organic powder such as nylon powder, polymethylmethacrylate, powder of an acrylonitrile-methacrylic acid copolymer, powder of a copolymer of vinylidene chloride and methacrylic acid, polyethylene powder, polystyrene powder, organopolysiloxane elastomer powder, polymethyl silsesquioxane powder, wool powder, silk powder, crystalline cellulose, and N-acyllysine; and pigment powder such as organic tar pigments and lake pigments of organic pigments; and composite powder such as mica titanium coated with fine powder of titanium oxide, mica titanium coated with fine powder of zinc oxide, mica titanium coated with barium sulfate, titanium oxide-containing silicon dioxide, and zinc oxide-containing silicon dioxide. These types of powder may be used alone or in combination of two or more of them.

Example 8

	Ingredient	Example 8
1	dimethylpolysiloxane, 6cs	10
2	decamethylcyclopentasiloxane	5
3	organopolysiloxane modified with polyoxyalkylene ¹⁾	2
4	organopolysiloxane modified with polyoxyalkylene containing a long alkyl chain group ²⁾	2
5	foamed hollow resin particles ³⁾	
	foamed hollow resin particles ⁴⁾	3
6	polyethylene wax	1
7	candelilla wax	1
8	macadamia nut oil	2
9	squalene	5
10	cetyl 2-ethylhexanoate	5
11	sorbitan sesquioleate	—
12	talc	2
13	titanium oxide	10
14	spherical polystyrene (mean particle diameter: 6 micrometers)	—
15	red iron oxide	0.5
16	iron oxide yellow	2
17	iron oxide black	0.3
18	purified water	qs
19	sodium chloride	0.2
20	methyl paraoxybenzoate	0.2
	Evaluation results	
	Soft and smooth spreadability	◎
	Non-sticky and non-tacky sensory feel	◎
	Non-powdery finish	◎
	Stability over time	◎

Note:

1) Silicone KF-6015 from Shin-Etsu Chemicals

2) ABIL EM-90 from Gold-Schmidt

3) Foamed hollow resin, copolymer of methyl methacrylate and acrylonitrile with a mean particle diameter of 25 micrometers and an apparent specific gravity of 0.02.

4) Foamed hollow resin with a mean particle diameter of 25 micrometers and an apparent specific gravity of 0.19, which resin was prepared by coating 3 parts of a copolymer of methyl methacrylate and acrylonitrile with 7 parts of titanium oxide having a mean particle diameter of 0.25 micrometers according to the method disclosed in JP Application Laid-open 4-9319.

Translator's note:

"©" means that 16 to 20 subjects of the 20 panelists felt the cosmetic of the Example good.